

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

PEGGY ROIF ROTSTAIN, *et al.*,

Plaintiffs,

v.

TRUSTMARK NATIONAL BANK, *et al.*,

Defendants.

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Civil Action No. 3:09-CV-2384-N-BQ

**SCHEDULING ORDER**

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, the Local Rules of this Court (LR), and the Civil Justice Expense and Delay Reduction Plan (the “Plan”) for the Northern District of Texas, the Court **ORDERS** in this case as follows:

1. Trial date shall be set by separate order; however, the case is to be ready for trial no later than January 27, 2020.

2. Any motions for leave to join additional parties must be filed within 60 days of the date of this Order. Any motion for leave to amend pleadings under Rule 15(a) must be filed within 120 days of this Order. Any motion for leave to amend pleadings after that date must show good cause pursuant to Rule 16(b).

3. Before moving for any order relating to discovery (including but not limited to a motion to compel or motion for sanctions), the movant must first request a conference with the Court. *See* Fed. R. Civ. P. 16(b)(3)(B)(v). This requirement does not relieve the party seeking relief from first conferring by telephone or meeting face-to-face with the party or parties affected by the proposed motion, including, where applicable, co-plaintiffs or co-defendants. *See Dondi*

*Props. Corp. v. Commerce Savs. & Loan Ass'n*, 121 F.R.D. 284, 289–90 (N.D. Tex. 1988); accord Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 37(a)(1); N.D. Tex. L. Civ. R. 7.1(a).

4. The parties may by written agreement alter the deadlines in this paragraph, without the need for court order. No continuance of trial will be granted due to agreed extensions of these deadlines. Motions may become moot due to trial if filed after the deadline in this Order.

a. 180 days before ready for trial date – mediation; the parties may eliminate this requirement by agreement, or by agreement may set a later date if they determine that the substantial completion of discovery provides the best opportunity for settling the case; the parties should advise the court if they are unable to agree on a mediator; all parties must attend the mediation in person; legal entities must provide a representative with full authority; if there is insurance per Rule 26(a)(1)(A)(iv), a representative with full authority must attend in person; the parties and mediator may by agreement waive the requirement of attending in person;

b. June 29, 2018 – Document production shall be completed. All requests for production of documents must be served by the parties in time to permit responses by this date;

c. November 30, 2018 – Plaintiffs shall designate experts and serve their expert reports pursuant to Rule 26(a)(2);

d. December 31, 2018 – Fact discovery shall be completed by the parties. All discovery requests, other than requests for production of documents, must be served by the parties in time to permit responses by this date;

e. February 1, 2019 – Defendants shall designate experts and serve their expert reports pursuant to Rule 26(a)(2);

f. April 8, 2019 – Plaintiffs shall serve rebuttal expert reports, if any;

g. June 21, 2019 – Expert discovery shall be completed by the parties. All expert discovery requests must be served by the parties in time to permit responses by this date;

h. August 2, 2019 – Summary judgment motions shall be filed. Responses to any motion for summary judgment shall be filed on or before September 6, 2019. Replies shall be filed on or before September 27, 2019. These deadlines cannot be modified by the parties without court order;

i. October 4, 2019 – any other motions, including any objections to expert testimony, must be filed. This deadline cannot be modified by the parties without court order.

5. Parties desiring entry of a protective order under Rule 26(c) must either (a) request entry of an order in the Court's standard form, which can be found at:

[www.txnd.uscourts.gov/judges/dgodbey\\_req.htm](http://www.txnd.uscourts.gov/judges/dgodbey_req.htm)

or (b) if entry of a protective order in a different form is requested, the motion must (1) explain why the Court's standard form is inadequate in the particular circumstances of the case, and (2) include a redlined version of the requested form showing where it differs from the Court's standard form.

6. The parties shall file all pretrial materials 30 days before the ready for trial date. Failure to file pretrial materials may result in dismissal for want of prosecution. Pretrial materials shall include the following:

- a. pretrial order pursuant to LR 16.4;
- b. exhibit lists, witness lists, and deposition designations pursuant to LR 26.2 and Rule 26(a)(3); witness lists should include a brief summary of the substance of anticipated testimony (not just a designation of subject area) and an estimate of the length of direct examination; exhibit

lists must include any materials to be shown to the jury, including demonstrative aids; the parties shall comply with Rule 26(a)(3) regarding objections;

c. proposed jury charge pursuant to LR 51.1 or proposed findings of fact and conclusions of law pursuant to LR 52.1; any objections to the proposed jury charge shall be filed within 14 days thereafter; objections not so disclosed are waived unless excused by the court for good cause;

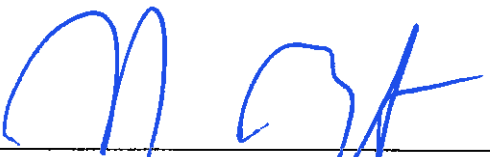
d. motions in limine; matters that are not case-specific are strongly discouraged;

e. requested voir dire questions.

7. The final pretrial conference will be set by separate order or notice. Lead counsel must attend the pretrial conference. The Court will likely impose time limitations for trial at the pretrial conference. Examination of witnesses will be limited to direct, cross, re-direct, and re-cross. Any questions regarding this Order may be directed to the Court's Judicial Assistant, Donna Hocker Beyer, at 214-753-2700.

**SO ORDERED.**

Dated: January 11, 2018

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**D. GORDON BRYANT, JR.**  
**UNITED STATES MAGISTRATE JUDGE**